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Letter dated 10 March 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the Security Council

In my capacity as representative of the Current Chairman of the African Union, I have the honour to forward herewith a communiqué issued by the 46th meeting of the Peace and Security Council of the African Union, held on 10 March 2006 at the ministerial level, containing its decision on the situation in Darfur (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Basile **Ikouebe**
Ambassador
Permanent Representative of the Republic of the Congo
to the United Nations
Representative of the Current Chairman of the African Union

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Annex to the letter dated 10 March 2006 from the Permanent Representative of the Congo to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the 46th meeting of the Peace and Security Council

The Peace and Security Council (PSC) of the African Union (AU), at its 46th meeting, held on 10 March 2006, adopted the following decision on the situation in Darfur:

The Council,

1. **Takes note** of the report of the Chairperson pursuant to paragraph 5 of PSC communiqué PSC/PR/Comm.(XLV) of 12 January 2006 on the situation in Darfur [PSC/MIN/2/(XLVI)];

2. **Decides** to support in principle the transition from the African Union Mission in the Sudan (AMIS) to a United Nations operation, within the framework of the partnership between AU and the United Nations in the promotion of peace, security and stability in Africa;

3. **Decides** to extend the mandate of AMIS until 30 September 2006 to undertake the following:

(a) Contribute to the improvement of the general security situation, provide a secure environment for the delivery of humanitarian assistance and the return of internally displaced persons and refugees and to contribute to the protection of the civilian population in Darfur;

(b) Monitor and observe the compliance of the parties with the N'Djamena Humanitarian Ceasefire Agreement of 8 April 2004, the Abuja Protocols of 9 November 2004 and all such agreements in the future;

(c) Assist in the process of confidence-building;

4. **Decides** that, during the period mentioned above, every effort should be made to (a) ensure the early conclusion of a peace agreement at the ongoing seventh round of the inter-Sudanese peace talks, which opened in Abuja on 29 November 2005, (b) improve the security, humanitarian and human rights situation on the ground and (c) address the crisis in the relations between Chad and the Sudan:

(a) In order to achieve the conclusion of a peace agreement at the Abuja peace talks:

(i) **Demands** that the parties demonstrate their commitment to bring the conflict in Darfur to an end by making rapid progress on the outstanding issues at the talks, as they relate to power-sharing, wealth-sharing and security arrangements;

(ii) **Urges** the facilitators and the observers at the Abuja peace talks to lend closer cooperation to the AU mediation team and to intensify their efforts to persuade the Sudanese parties to make compromises on the outstanding issues;

(iii) **Stresses** the need for increased engagement at the highest level by African leaders and other stakeholders, to bring the parties to honour their commitments and negotiate in good faith with a view to ending violence in Darfur and concluding a peace agreement by the end of April 2006;

(b) In order to improve the security, humanitarian and human rights situation:

(i) **Requests** the Commission to immediately take all necessary steps for the consistent, flexible, broad and robust interpretation of the mandate provided for in paragraph 3 above and the tasks deriving therefrom, as spelled out in communiqué PSC/PR/Comm.(XVII), adopted at its 17th meeting, held on 20 October 2004, and in the light of the conclusions [MSC/EXP/Con.(III)] of the 3rd meeting of the Military Staff Committee, held on 25 April 2005, as endorsed by the 28th meeting of PSC, held on 28 April 2005 [PSC/PR/Comm.(XXVIII)], in order to ensure a more forceful protection of the civilian population;

(ii) **Further requests** the Commission to vigorously pursue its efforts towards reaching, as quickly as possible, the authorized strength of AMIS, i.e., 6,171 military personnel, with an appropriate civilian component, including up to 1,560 police personnel;

(iii) **Also requests** the Commission to take all necessary steps for the full implementation of the recommendations made by the AU-led assessment mission that visited Darfur from 10 to 20 December 2005, in order to enhance the capacity of AMIS in the short and medium terms, in particular with respect to operational and tactical planning, command and control, protection of civilians, joint operations management, training, use of personnel and civil/military coordination;

(iv) **Demands** that the parties cease all acts of violence and atrocities on the ground, particularly those committed against the civilian population, humanitarian workers and agencies and AMIS personnel, and fully comply with their commitments under the N'Djamena Humanitarian Ceasefire Agreement of 8 April 2004 and the Abuja Protocols on humanitarian and security issues of 9 November 2004, as well as with the decisions of the Joint Commission and relevant resolutions and decisions of the United Nations Security Council and PSC; and in particular once again **demands** that:

- The Government of the Sudan refrain from conducting hostile military flights in and over the Darfur region, expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias, identify and declare those militias over which it has influence and ensure that those militias refrain from all attacks, harassment and intimidation
- The Justice and Equality Movement and the Sudan Liberation Movement/Army (SLM/A) provide AMIS with the required information to enable it to determine clearly the sites occupied by the forces on the ground, ensure the security of commercial activities in the areas occupied by their forces and, regarding specifically SLM/A, withdraw forces from contentious areas such as Graida

(v) **Urges** the parties to cooperate fully with AMIS and to do all in their power to guarantee the safety of the members of the Mission to enable it to effectively discharge its mandate and guarantee AMIS and the humanitarian agencies unrestricted access;

(vi) **Urges** the parties, pending the conclusion of a peace agreement, to contain the ever-deteriorating security situation on the ground by agreeing to the enhanced Humanitarian Ceasefire Agreement proposed to them by the AU-led mediation team, which, among other things, provides for the strengthening of the mandates of the existing Ceasefire and Joint Commissions;

(vii) In the interim, **authorizes** the AU Commission to convene an emergency Joint Commission meeting in Addis Ababa, to be chaired by the Special Representative of the Chairperson of the Commission to the Sudan, to further deliberate on the precarious security situation and take the necessary and appropriate measures against any party that is found responsible for the escalation of violence and tension in Darfur;

(viii) **Appeals** to the international community to continue to provide humanitarian assistance to the affected population in Darfur, as well as to the refugees and host communities in Chad;

(ix) **Urges** the Government of the Sudan and the rebel movements to cooperate with the Office of the Prosecutor of the International Criminal Court (ICC), as called for by United Nations Security Council resolution 1593 (2005) of 31 March 2005, and to take all necessary steps to combat impunity to ensure lasting peace and reconciliation in Darfur, and **requests** the Commission to cooperate with ICC;

(c) In order to effectively address the crisis in the relations between Chad and the Sudan:

(i) **Urges** the Governments of Chad and the Sudan to fully implement the commitments made and to facilitate the work of the existing mechanisms that have been agreed upon in the Declaration and Agreement signed in Tripoli in February 2006, and **endorses** the Tripoli Declaration and Agreement;

(ii) **Requests** the facilitators of the Tripoli Agreement to remain actively engaged in the efforts to defuse the tension on the ground and normalize the relations between Chad and the Sudan and ensure the effective functioning of the existing mechanisms agreed upon in the Tripoli Declaration and Agreement;

(iii) **Further requests** the Commission to take all necessary steps and extend all necessary assistance to contribute to the implementation of the Tripoli Declaration and Agreement, and **also requests** the Commission to prepare and submit proposals on how best AMIS can assist in the implementation of the Tripoli Declaration and Agreement, including the necessary adjustment to its current mandate;

5. **Reiterates** that, given the progress made in the initial stablization phase of Darfur and the ongoing efforts to conclude a peace agreement, steps should be taken to sustain the peace support operation in Darfur in 2006 and beyond, bearing in mind the requirements for increased integration of the different aspects of the peace efforts; in this respect, **welcomes** the adoption by the Security Council, on

3 February 2006, of presidential statement S/PRST/2006/5 commending the efforts of AU and requesting the Secretary-General to initiate contingency planning without delay, in close consultation with the parties to the Abuja Peace Talks, including the Government of National Unity, on a range of options for a possible transition from AMIS to a United Nations operation; **takes note** of the announcement by the Sudanese Government that the Sudan is prepared to accept the deployment of a United Nations operation in Darfur after and as part of the conclusion of a peace agreement at the Abuja talks; consequently, **requests** the Chairperson of the Commission to continue his consultations with the United Nations, the Government of the Sudan and other stakeholders on the modalities of the transition; and **further requests** the Chairperson of the Commission to work closely with the United Nations Secretary-General on joint planning towards that end;

6. **Stresses** that the transition from AMIS to a United Nations operation in Darfur should be informed by the following:

(a) The preparedness of the Government of the Sudan to accept the deployment of a United Nations operation in Darfur;

(b) That the decision on the mandate and size of any future United Nations peacekeeping operation in Darfur is informed by the evolving situation on the ground; in this respect, a successful outcome of the Abuja peace talks and a significant improvement in the security and humanitarian situation on the ground will be key factors in any decision of the United Nations Security Council on the nature of the peacekeeping operation in Darfur;

(c) That the African character of the mission, including through its composition and leadership, is maintained in order, as much as possible, to secure the cooperation of all the parties, which is necessary to achieve a lasting solution to the conflict in Darfur;

(d) That the lead role of the African Union in the overall Darfur peace process is maintained, including the conduct of the Abuja peace talks and the Darfur-Darfur dialogue and consultation provided for by the Declaration of Principles signed in Abuja on 5 July 2005, as well as in the implementation of existing and future agreements between the parties;

(e) That, during and after the transition, consultations are maintained between AU and the United Nations, including between PSC and the United Nations Security Council, as well as between the Chairperson of the Commission and the Secretary-General of the United Nations, particularly prior to any decision of the United Nations Security Council regarding the envisaged United Nations peacekeeping operation in Darfur;

7. **Recommends** the establishment of a committee of heads of State and Government, including the Current Chairman of AU, the immediate past Chairman, the Chairperson of PSC and the Chairperson of the Commission, as well as any other head of State or Government the Current Chairman of AU may wish to involve, to engage the Sudanese authorities and other stakeholders on how best to expedite the peace process in Darfur and on the transition;

8. **Reiterates** its appeal to AU partners to provide all the necessary financial and logistical support to sustain AMIS until 30 September 2006, as well as support the ongoing Abuja talks, and in this respect **welcomes** the envisaged convening of a

pledging conference in Brussels, with the support of the United Nations and the European Union;

9. **Calls** for an immediate end to all acts aimed at inciting demonstrations against the international community, in particular the United Nations, as well as to the unacceptable and defamatory characterization of AMIS;

10. **Emphasizes** the critical role of the United Nations Security Council in holding accountable those impeding the peace process and committing human rights violations;

11. **Decides** to remain actively seized of the matter.